

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JACK A. CLARKE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06cv508-ID
)	
CHARTER COMMUNICATIONS, INC.)	
)	
Defendant.)	

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on July 18, 2006, by telephonic conference and was attended by:

M. Wayne Sabel for Plaintiff
Gordon L. Blair for Defendant

The parties do not request a conference with the Court before entry of the scheduling order.

1. This jury action should be ready for trial by **July 23, 2007** and at this time is expected to take approximately four days excluding jury selection.
2. The parties request a pretrial conference on **June 18, 2007**.
3. Discovery Plan: The parties individually propose to the Court the following discovery plan:
 - (a) Discovery will be needed on Plaintiff's claims and Defendant's defenses.
 - (b) All non-expert discovery commenced in time to be completed by **April 2, 2007**.
 - (c) Initial Disclosures: The parties will exchange by **August 14, 2006** the information required by Fed. R. Civ. P. 26(a)(1).
 - (d) i. Plaintiff shall be allowed until **February 5, 2007** to join additional parties and amend the pleadings;

ii. Defendant shall be allowed until **March 5, 2007** to join additional parties or amend the pleadings.

(e) Reports from retained experts under Fed. R. Civ. P. 26(a)(2) due:

from Plaintiff by **April 30, 2007**.

from Defendant by **May 28, 2007**.

Supplementation of Rule 26 disclosures shall be made according to the rules. Plaintiff wishes to reserve the right to identify a possible rebuttal expert in the event that Defendant names an expert on a subject for which Plaintiff has not previously identified an expert.

(f) Pretrial Disclosures: Final lists of witnesses and exhibits under Rule 26(a)(3) due two weeks prior to the pretrial conference. Objections to the list of witnesses or exhibits due one week prior to the pretrial conference.

(g) Discovery Limits:

The Plaintiff requests a maximum of 50 interrogatories per party, as interrogatory is defined in Fed. R. Civ. P. 33, without having to seek leave of court for additional interrogatories.

The Defendant requests a maximum of 15 interrogatories per party, as interrogatory is defined in Fed. R. Civ. P. 33, without having to seek leave of court for additional interrogatories.

The Plaintiff requests a maximum of 15 non-expert depositions per party, without having to seek leave of Court for additional depositions.

The Defendant requests a maximum of 6 non-expert depositions per party, without having to seek the leave of Court for additional depositions.

Requests for admission shall be limited to a maximum of 30 by each party to another party.

Requests for production of documents shall be permitted as set forth in Fed. R. Civ. P. 34.

(h) All potentially dispositive motions filed no less than 90 days prior to the pretrial conference.

4. Settlement cannot be reasonably evaluated until the completion of some discovery.

5. The parties are aware of no other matters to be brought before the Court at this time.

Date: July 21, 2006

The undersigned represents that he has conferred with counsel of record in this matter and he has been authorized to submit this report jointly on behalf of the parties.

/s/ M. Wayne Sabel

M. WAYNE SABEL (SAB002)

Attorney for Plaintiff

OF COUNSEL:

SABEL & SABEL, P.C.
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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following by placing said copy in the United States mail, first class postage prepaid and properly addressed on this the 21st day of July, 2006.

David L. Warren
Gordon L. Blair
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
One Federal Place
1819 Fifth Avenue North, Suite 1000
Birmingham, AL 35203-2118

/s/ M. Wayne Sabel

M. Wayne Sabel